

**Applicant:** Martin J. Dowling  
**Application No.:** 10/749,053

**REMARKS**

Claims 1-6 are currently pending in this application. Claims 7-16 were withdrawn from consideration.

In the present Office Action, the Examiner rejected claims 1-6 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,336,035 (Somoza et al.). The Examiner rejected claims 1-6 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,522,888 (Garceran et al.).

The Applicant has amended claims 1 and 4 to more particularly claim the Applicant's invention. Additionally, the Applicant has added new claim 17. All claim amendments and newly added claim 17 are supported in the specification and/or the drawings. No new matter has been added.

**35 U.S.C. §102(b) - Somoza et al.**

The Examiner rejected claims 1-6 as being anticipated by Somoza et al. (U.S. Reference No. 6,336,035).

The Somoza et al. reference discloses a software program which provides a network planner with a graphical representation of network planning tools. The device in Somoza et al. does graphically display certain measurements entered into it, but the device itself does **not** perform any measurements. The Somoza et al. device relies on a "driver" to drive around a cell and take particular measurements relating to the cell, and to enter (either remotely or locally) those measurements into the computer system 140 of the Somoza et al. device. The driver utilizes an independent location determining device (such as a GPS) to determine the location of the vehicle.

On the other hand, the Applicant's claimed invention in amended independent claim 1 recites:

A mobile wireless monitoring device comprising:  
an antenna for receiving signals from a monitored source;  
a channel quality measurement device, configured to measure  
an uncompensated channel quality of the received signals;  
a location determining device for determining the geographic  
location of the mobile wireless monitoring device; and  
a processor, in communication with the location determining  
device and the channel quality measuring device, the processor  
configured to receive and store the uncompensated channel quality  
measurements and a location for the uncompensated channel quality  
measurements using the determined locations.

which is nowhere described in the Somoza et al. reference. There is no teaching that the Somoza et al. device contains a "channel quality measurement device, configured to measure an uncompensated channel quality of the received signals." Nor is there any indication in the Somoza et al. reference that the Somoza et al. device contains a "location determining device for determining the geographic location of the mobile wireless monitoring device." The Somoza et al. device does not teach nor suggest a "processor, in communication with the location determining device and the channel quality measuring device, the processor configured to receive and store the uncompensated channel quality measurements and a location for the uncompensated channel quality measurements using the determined locations."

Again, as disclosed in the Somoza et al. reference, a driver drives around a cell and performs independent measurements. There is really no device whatsoever, let alone a "mobile wireless monitoring device." There is also no teaching or suggestion in the Somoza et al. reference that any "non-normal" connections between any devices exists, such as would exist with power control, modulation or coding loops disabled. Accordingly, there is no teaching or motivation in the Somoza et al. reference that an uncompensated channel quality can be measured, as is recited in the Applicant's amended independent claim 1.

Therefore, the Applicant's claimed invention as claimed in amended independent claim 1 is patentably distinct from the Somoza et al. reference.

Claims 2 and 3 depend from Applicant's patentable amended independent claim 1 and are therefore patentable for at least the same reasons as Applicant's patentable amended independent claim 1.

In addition, Applicant's dependent claim 3 recites that "the mobile wireless monitoring device does not utilize outer loop power control when measuring the received signal strength," Disabling power control provides an accurate representation of the actual Signal to Interference Ratio (SIR) and a clear indication of the relative change in SIR. This teaching can be found nowhere within the Somoza et al. reference. Accordingly, Applicant's dependent claim 3 is patentable for this reason as well as its dependency from Applicant's patentable amended independent claim 1.

The Applicant's amended independent claim 4 recites:

A mobile wireless monitoring device comprising:  
    means for receiving signals from a monitored source;  
    means for measuring an uncompensated channel quality  
of the received signals;  
    means for determining the geographic location of the  
mobile wireless monitoring device; and  
    means for receiving and storing the uncompensated  
channel quality measurements and a location for the uncompensated  
channel quality measurements using the determined locations.

which, similarly to Applicant's amended independent claim 1, is disclosed nowhere within the pages of the Somoza et al. reference. Accordingly, Applicant's amended independent claim 4 is patentably distinct from the Somoza et al. reference.

Claims 5 and 6 depend from Applicant's patentable amended independent claim 4 and are therefore patentable for at least the same reasons as Applicant's patentable amended independent claim 4.

In addition, Applicant's dependent claim 6 recites that "the mobile wireless monitoring device does not utilize outer loop power control when measuring the received signal strength," Disabling power control provides an accurate representation of the actual Signal to Interference Ratio (SIR) and a clear indication of the relative change in SIR. This teaching can be found nowhere within the Somoza et al. reference. Accordingly, Applicant's dependent claim 6 is patentable for this reason as well as its dependency from Applicant's patentable amended independent claim 4.

The Applicant's new independent claim 17 recites:

A mobile wireless monitoring device comprising:  
an antenna for receiving signals from a monitored source;  
a channel quality measurement device, configured to  
measure the received signal code power (RSCP) of the Primary  
Common Control Physical Channel (P-CCPCH), the interference signal  
code power (ISCP), and the pathloss for the P-CCPCH of the received  
signals;

a location determining device for determining the geographic location of the mobile wireless monitoring device;

a processor, in communication with the location determining device and the channel quality measuring device, the processor configured to receive and store the received measurements and a location for the measurements using the determined locations; and

an input/output (I/O) device, in communication with the processor, the I/O device configured to receive data from an operator of the mobile wireless monitoring device.

which is neither taught nor suggested by the Somoza et al. reference. Accordingly, Applicant's new independent claim 17 is patentably distinct from the Somoza et al. reference.

**35 U.S.C. §102(e) – Garceran et al.**

The Examiner rejected claims 1-6 under 35 U.S.C. §102(e) as being anticipated by Garceran et al. (U.S. Reference No. 6,522,888).

The Garceran et al. reference discloses a system for determining coverage in a wireless communication system. The Garceran et al. reference does not disclose a mobile wireless monitoring device comprising a "channel quality measurement device, configured to measure an uncompensated channel quality of the received signals" as is recited in Applicant's amended independent claim 1. Additionally, the Garceran et al. reference does not disclose a mobile wireless monitoring device

comprising "means for measuring an uncompensated channel quality of the received signals " as is recited in Applicant's amended independent claim 4.

The Garceran et al. reference does disclose that the wireless device stores and sends signal quality measurements of channels from base stations, but no disclosure is made as to those quality measurements being measured by any other than normal connection between devices, such as having power control, modulation or coding loops disabled. Accordingly, there is no teaching or suggestion in the Garceran et al. reference for a measurement of an uncompensated channel quality.

Accordingly, Applicant's amended independent claims 1 and 4 are patentably distinct from the Garceran et al. reference.

Claims 2 and 3 depend from Applicant's patentable amended independent claim 1 and are therefore patentable for at least the same reasons as Applicant's patentable amended independent claim 1.

Applicant's dependent claim 3 recites that "the mobile wireless monitoring device does not utilize outer loop power control when measuring the received signal strength," Disabling power control provides an accurate representation of the actual Signal to Interference Ratio (SIR) and a clear indication of the relative change in SIR. This teaching can be found nowhere within the Garceran et al. reference. Accordingly, Applicant's dependent claim 3 is patentable for this reason as well as its dependency from Applicant's patentable amended independent claim 1.

Claims 5 and 6 depend from Applicant's patentable amended independent claim 4 and are therefore patentable for at least the same reasons as Applicant's patentable amended independent claim 4.

Additionally, Applicant's dependent claim 6 recites that "the mobile wireless monitoring device does not utilize outer loop power control when measuring the received signal strength," Disabling power control provides an accurate representation of the actual Signal to Interference Ratio (SIR) and a clear indication of the relative change in SIR. This teaching can be found nowhere within the Garceran et al. reference. Accordingly, Applicant's dependent claim 6 is patentable for this reason as well as its dependency from Applicant's patentable amended independent claim 4.

Furthermore, Applicant's new independent claim 17 recites:

A mobile wireless monitoring device comprising:  
an antenna for receiving signals from a monitored source;  
a channel quality measurement device, configured to measure the received signal code power (RSCP) of the Primary Common Control Physical Channel (P-CCPCH), the interference signal code power (ISCP), and the pathloss for the P-CCPCH of the received signals;  
a location determining device for determining the geographic location of the mobile wireless monitoring device;  
a processor, in communication with the location determining device and the channel quality measuring device, the processor configured to receive and store the received measurements and a location for the measurements using the determined locations;  
and



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an input/output (I/O) device, in communication with the processor, the I/O device configured to receive data from an operator of the mobile wireless monitoring device.

which is neither taught nor suggested by the Garceran et al. reference. Accordingly, Applicant's new independent claim 17 is patentably distinct from the Garceran et al. reference.

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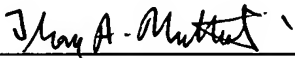
**Conclusion**

The Applicant thanks the Examiner for her consideration and believes the application is in condition for allowance. Early and favorable reconsideration is respectfully solicited.

If the Examiner has any questions, or believes that a telephone conference would advance the prosecution of this application, the Examiner is requested to contact the Applicant's undersigned attorney.

Respectfully submitted,

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